

# PATENT COOPERATION TREATY

PCT

## NOTICE INFORMING THE APPLICANT OF THE COMMUNICATION OF THE INTERNATIONAL APPLICATION TO THE DESIGNATED OFFICES

(PCT Rule 47.1(c), first sentence)

From the INTERNATIONAL BUREAU

To:  
BUTLER, Gregory  
302 River Street  
Norwell, MA 02061  
ETATS-UNIS D'AMERIQUE

Date of mailing (day/month/year) 03 August 2000 (03.08.00)		IMPORTANT NOTICE	
Applicant's or agent's file reference CA33-002			
International application No. PCT/US00/01952	International filing date (day/month/year) 26 January 2000 (26.01.00)	Priority date (day/month/year) 27 January 1999 (27.01.99)	
Applicant BIOGLOBE TECH, INC. et al			

1. Notice is hereby given that the International Bureau has communicated, as provided in Article 20, the international application to the following designated Offices on the date indicated above as the date of mailing of this Notice:  
AU,JP,KP,KR,US

In accordance with Rule 47.1(c), third sentence, those Offices will accept the present Notice as conclusive evidence that the communication of the international application has duly taken place on the date of mailing indicated above and no copy of the international application is required to be furnished by the applicant to the designated Office(s).

2. The following designated Offices have waived the requirement for such a communication at this time:  
AE,AL,AM,AP,AT,AZ,BA,BB,BG,BR,BY,CA,CH,CN,CR,CU,CZ,DE,DK,DM,EA,EE,EP,ES,FI,GB,GD,GE,GH,GM,HR,HU,ID,IL,IN,IS,KE,KG,KZ,LC,LK,LR,LS,LT,LU,LV,MA,MD,MG,MK,MN,MW,MX,NO,NZ,OA,PL,PT,RO,RU,SD,SE,SG,SI,SK,SL,TJ,TM,TR,TT,TZ,UA,UG,UZ,VN,YU,ZA,ZW  
The communication will be made to those Offices only upon their request. Furthermore, those Offices do not require the applicant to furnish a copy of the international application (Rule 49.1(a-bis)).
3. Enclosed with this Notice is a copy of the international application as published by the International Bureau on 03 August 2000 (03.08.00) under No. WO 00/44338

### REMINDER REGARDING CHAPTER II (Article 31(2)(a) and Rule 54.2)

If the applicant wishes to postpone entry into the national phase until 30 months (or later in some Offices) from the priority date, a demand for international preliminary examination must be filed with the competent International Preliminary Examining Authority before the expiration of 19 months from the priority date.

It is the applicant's sole responsibility to monitor the 19-month time limit.

Note that only an applicant who is a national or resident of a PCT Contracting State which is bound by Chapter II has the right to file a demand for international preliminary examination.

### REMINDER REGARDING ENTRY INTO THE NATIONAL PHASE (Article 22 or 39(1))

If the applicant wishes to proceed with the international application in the national phase, he must, within 20 months or 30 months, or later in some Offices, perform the acts referred to therein before each designated or elected Office.

For further important information on the time limits and acts to be performed for entering the national phase, see the Annex to Form PCT/IB/301 (Notification of Receipt of Record Copy) and Volume II of the PCT Applicant's Guide.

The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland	Authorized officer J. Zahra
Facsimile No. (41-22) 740.14.36	Telephone No. (41-22) 338.83.38

## PCT COOPERATION TREATY

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From the INTERNATIONAL BUREAU

NOTIFICATION CONCERNING  
SUBMISSION OR TRANSMITTAL  
OF PRIORITY DOCUMENT

(PCT Administrative Instructions, Section 411)

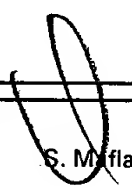
To:

BUTLER, Gregory  
302 River Street  
Norwell, MA 02061  
ETATS-UNIS D'AMERIQUE

Date of mailing (day/month/year) 06 April 2000 (06.04.00)	
Applicant's or agent's file reference CA33-002	<b>IMPORTANT NOTIFICATION</b>
International application No. PCT/US00/01952	International filing date (day/month/year) 26 January 2000 (26.01.00)
International publication date (day/month/year) Not yet published	Priority date (day/month/year) 27 January 1999 (27.01.99)
Applicant BIOGLOBE TECH, INC. et al	

1. The applicant is hereby notified of the date of receipt (except where the letters "NR" appear in the right-hand column) by the International Bureau of the priority document(s) relating to the earlier application(s) indicated below. Unless otherwise indicated by an asterisk appearing next to a date of receipt, or by the letters "NR", in the right-hand column, the priority document concerned was submitted or transmitted to the International Bureau in compliance with Rule 17.1(a) or (b).
2. This updates and replaces any previously issued notification concerning submission or transmittal of priority documents.
3. An asterisk(\*) appearing next to a date of receipt, in the right-hand column, denotes a priority document submitted or transmitted to the International Bureau but not in compliance with Rule 17.1(a) or (b). In such a case, the attention of the applicant is directed to Rule 17.1(c) which provides that no designated Office may disregard the priority claim concerned before giving the applicant an opportunity, upon entry into the national phase, to furnish the priority document within a time limit which is reasonable under the circumstances.
4. The letters "NR" appearing in the right-hand column denote a priority document which was not received by the International Bureau or which the applicant did not request the receiving Office to prepare and transmit to the International Bureau, as provided by Rule 17.1(a) or (b), respectively. In such a case, the attention of the applicant is directed to Rule 17.1(c) which provides that no designated Office may disregard the priority claim concerned before giving the applicant an opportunity, upon entry into the national phase, to furnish the priority document within a time limit which is reasonable under the circumstances.

<u>Priority date</u>	<u>Priority application No.</u>	<u>Country or regional Office or PCT receiving Office</u>	<u>Date of receipt of priority document</u>
27 Janu 1999 (27.01.99)	09/239,051	US	28 Marc 2000 (28.03.00)

The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland	Authorized officer  S. M. Ma
Facsimile No. (41-22) 740.14.35	Telephone No. (41-22) 338.83.38

# PATENT COOPERATION TREATY

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## NOTIFICATION OF ELECTION

(PCT Rule 61.2)

From the INTERNATIONAL BUREAU

To:

Assistant Commissioner for Patents  
United States Patent and Trademark  
Office  
Box PCT  
Washington, D.C. 20231  
ETATS-UNIS D'AMERIQUE

in its capacity as elected Office

Date of mailing (day/month/year) 03 October 2000 (03.10.00)	
International application No. PCT/US00/01952	Applicant's or agent's file reference CA33-002
International filing date (day/month/year) 26 January 2000 (26.01.00)	Priority date (day/month/year) 27 January 1999 (27.01.99)
Applicant CARNELL, Victor	

1. The designated Office is hereby notified of its election made:

☒ in the demand filed with the International Preliminary Examining Authority on:  
09 August 2000 (09.08.00)

☐ in a notice effecting later election filed with the International Bureau on:

2. The election ☒ was  
☐ was not

made before the expiration of 19 months from the priority date or, where Rule 32 applies, within the time limit under Rule 32.2(b).

The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland Facsimile No.: (41-22) 740.14.35	Authorized officer Olivia TEFY Telephone No.: (41-22) 338.83.38
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## PATENT COOPERATION TREATY

MAR 1 2001

From the  
INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

To: GREGORY BUTLER  
302 RIVER STREET  
NORWELL, MA 02061

**PCT**

NOTIFICATION OF TRANSMITTAL OF  
INTERNATIONAL PRELIMINARY  
EXAMINATION REPORT

(PCT Rule 71.1)

Date of Mailing  
(day/month/year)

**20 FEB 2001**

Applicant's or agent's file reference

CA33-002

**IMPORTANT NOTIFICATION**

International application No.

PCT/US00/01952

International filing date (day/month/year)

26 JANUARY 2000

Priority Date (day/month/year)

27 JANUARY 1999

Applicant

BIOGLOBE TECH, INC.

1. The applicant is hereby notified that this International Preliminary Examining Authority transmits herewith the international preliminary examination report and its annexes, if any, established on the international application.
2. A copy of the report and its annexes, if any, is being transmitted to the International Bureau for communication to all the elected Offices.
3. Where required by any of the elected Offices, the International Bureau will prepare an English translation of the report (but not of any annexes) and will transmit such translation to those Offices.
4. **REMINDER**

The applicant must enter the national phase before each elected Office by performing certain acts (filing translations and paying national fees) within 30 months from the priority date (or later in some Offices)(Article 39(1))(see also the reminder sent by the International Bureau with Form PCT/IB/301).

Where a translation of the international application must be furnished to an elected Office, that translation must contain a translation of any annexes to the international preliminary examination report. It is the applicant's responsibility to prepare and furnish such translation directly to each elected Office concerned.

For further details on the applicable time limits and requirements of the elected Offices, see Volume II of the PCT Applicant's Guide.

Name and mailing address of the IPEA/US  
Commissioner of Patents and Trademarks  
Box PCT  
Washington, D.C. 20231

Facsimile No. (703) 305-3230

Authorized official

RALPH GILMORE

Telephone No. (703) 308-1235

## PATENT COOPERATION TREATY

## PCT

## INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)


14  
REC'D 23 FEB 2001  
PCT

Applicant's or agent's file reference CA33-002	<b>FOR FURTHER ACTION</b> See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/US00/01952	International filing date (day/month/year) 26 JANUARY 2000	Priority date (day/month/year) 27 JANUARY 1999
International Patent Classification (IPC) or national classification and IPC IPC(7): A61K 7/16, 7/22 and US Cl.: 424/49, 54		
Applicant BIOGLOBE TECH, INC.		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of 4 sheets.
- ☐ This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority. (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).
- These annexes consist of a total of 0 sheets.

3. This report contains indications relating to the following items:

- I ☒ Basis of the report
- II ☐ Priority
- III ☐ Non-establishment of report with regard to novelty, inventive step or industrial applicability
- IV ☐ Lack of unity of invention
- V ☒ Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI ☐ Certain documents cited
- VII ☐ Certain defects in the international application
- VIII ☐ Certain observations on the international application

Date of submission of the demand  09 AUGUST 2000	Date of completion of this report  02 FEBRUARY 2001
Name and mailing address of the IPEA/US Commissioner of Patents and Trademarks Box PCT Washington, D.C. 20231	Authorized officer  RALPH CRAMER
Facsimile No. (703) 305-3230	Telephone No. (703) 308-1235

## INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/US00/01952

## I. Basis of the report

## 1. With regard to the elements of the international application:\*

☒ the international application as originally filed☒ the description:

pages 1-27, as originally filed

pages NONE, filed with the demand

pages NONE, filed with the letter of

☒ the claims:

pages 28-33, as originally filed

pages NONE, as amended (together with any statement) under Article 19

pages NONE, filed with the demand

pages NONE, filed with the letter of

☒ the drawings:

pages 1-2, as originally filed

pages NONE, filed with the demand

pages NONE, filed with the letter of

☒ the sequence listing part of the description:

pages NONE, as originally filed

pages NONE, filed with the demand

pages NONE, filed with the letter of

## 2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language \_\_\_\_\_ which is:

☐ the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).☐ the language of publication of the international application (under Rule 48.3(b)).☐ the language of the translation furnished for the purposes of international preliminary examination (under Rules 55.2 and/or 55.3).

## 3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

☐ contained in the international application in printed form.☐ filed together with the international application in computer readable form.☐ furnished subsequently to this Authority in written form.☐ furnished subsequently to this Authority in computer readable form.☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.4. ☒ The amendments have resulted in the cancellation of:☒ the description, pages NONE☒ the claims, Nos. NONE☒ the drawings, sheets/fig. NONE5. ☐ This report has been drawn as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).\*\*

\* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17).

\*\* Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.

## INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/US00/01952

**V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement****1. statement**

Novelty (N)	Claims <u>1-23</u>	YES
	Claims <u>none</u>	NO
Inventive Step (IS)	Claims <u>none</u>	YES
	Claims <u>1-23</u>	NO
Industrial Applicability (IA)	Claims <u>1-23</u>	YES
	Claims <u>none</u>	NO

**2. citations and explanations (Rule 70.7)**

Claims 1-23 lack an inventive step under PCT Article 33(3) as being obvious over each of Vidra, Caudry and Meier in view of Elango.

Vidra (4,205,061) entitled "Oral Antimicrobial Compositions" teaches in column 3 antimicrobial dentifrices with cetylpyridinium chloride.

Caudry (J of Infection Control) entitled "Contaminated Toothbrushes and Their Disinfection" teaches in the abstract, antimicrobial compositions such as Cepacol.

Meier (J of Dental Hygiene) entitled "An In Vitro Investigation of the Efficacy of CPC for Use in Toothbrush Decontamination" teaches CPC as an antimicrobial in oral compositions.

The claims differ from the above references in that they include sodium lauryl sarcosine with the CPC.

Elango (5,380,648) entitled "Method for the Diagnosis of Virulent Bacteria" teaches in column 5 lines 58-60, bacteria are lysed with sodium lauryl sarcosyl or sodium lauryl sarcosine.

It would have been obvious to one of ordinary skill in this art to include sodium lauryl sarcosine as taught by Elango in the compositions of the above primary references because sodium lauryl sarcosine is also known to be antimicrobial.

----- NEW CITATIONS -----

NONE

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/US00/01952

**Supplemental Box**

(To be used when the space in any of the preceding boxes is not sufficient)

Continuation of: Boxes I - VIII

Sheet 10





## INTERNATIONAL APPLICATION PUBLISHED UNDER THE PATENT COOPERATION TREATY (PCT)

<b>(51) International Patent Classification <sup>7</sup> :</b> <b>A61K 7/16, 7/22</b>	<b>A1</b>	<b>(11) International Publication Number:</b> <b>WO 00/44338</b> <b>(43) International Publication Date:</b> 3 August 2000 (03.08.00)
<b>(21) International Application Number:</b> PCT/US00/01952 <b>(22) International Filing Date:</b> 26 January 2000 (26.01.00) <b>(30) Priority Data:</b> 09/239,051 27 January 1999 (27.01.99) US <b>(63) Related by Continuation (CON) or Continuation-in-Part (CIP) to Earlier Application</b> US 09/239,051 (CIP) Filed on 27 January 1999 (27.01.99) <b>(71) Applicant (for all designated States except US):</b> BIOGLOBE TECH, INC. [US/US]; 4610 North Ash Street, Spokane, WA 99205 (US). <b>(72) Inventor; and</b> <b>(75) Inventor/Applicant (for US only):</b> CARNELL, Victor [US/US]; 4610 North Ash Street, Spokane, WA 99205 (US). <b>(74) Agent:</b> BUTLER, Gregory; 302 River Street, Norwell, MA 02061 (US).		<b>(81) Designated States:</b> AE, AL, AM, AT, AU, AZ, BA, BB, BG, BR, BY, CA, CH, CN, CR, CU, CZ, DE, DK, DM, EE, ES, FI, GB, GD, GE, GH, GM, HR, HU, ID, IL, IN, IS, JP, KE, KG, KP, KR, KZ, LC, LK, LR, LS, LT, LU, LV, MA, MD, MG, MK, MN, MW, MX, NO, NZ, PL, PT, RO, RU, SD, SE, SG, SI, SK, SL, TJ, TM, TR, TT, TZ, UA, UG, US, UZ, VN, YU, ZA, ZW, ARIPO patent (GH, GM, KE, LS, MW, SD, SL, SZ, TZ, UG, ZW), Eurasian patent (AM, AZ, BY, KG, KZ, MD, RU, TJ, TM), European patent (AT, BE, CH, CY, DE, DK, ES, FI, FR, GB, GR, IE, IT, LU, MC, NL, PT, SE), OAPI patent (BF, BJ, CF, CG, CI, CM, GA, GN, GW, ML, MR, NE, SN, TD, TG).  <b>Published</b> <i>With international search report.</i> <i>Before the expiration of the time limit for amending the claims and to be republished in the event of the receipt of amendments.</i>
<b>(54) Title:</b> ORAL HYGIENE PREPARATIONS; ASSOCIATED METHODS AND KIT <b>(57) Abstract</b> <p>Oral hygiene preparations, an associated method, and kit for utilizing same is disclosed and wherein the oral hygiene preparations reduce the incidence of caries in patients, including immunocompromised and chemotherapy treated patients. The method includes contacting the patient's teeth and surrounding oral cavity with a toothpaste and mouthwash composition comprising a therapeutically effective amount of Cetyl Pyridinium Chloride and Dehydroacetic Acid; and exposing the patient's dental appliances and toothbrush periodically to a disinfecting solution comprising a therapeutically effective amount of Cetyl Pyridinium Chloride and Dehydroacetic Acid.</p>		

*FOR THE PURPOSES OF INFORMATION ONLY*

Codes used to identify States party to the PCT on the front pages of pamphlets publishing international applications under the PCT.

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